IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 35921 of 2005(B)

AGAINST THE ORDER DATED 11/07/05 IN OP 821 2004 IN OP.796/2004 of FAMILY COURT,KOZHIKODE

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PETITIONER:

PALAYAKODAN SULAIMAN, S/O. ALI,
RESIDING AT `BAITHUL NOOR', VATTAPARAMBA,
PANNIYANKARA VILLAGE, KOZHIKODE TALUK,
KOZHIKODE DISTRICT.

BY ADV. SRI.K.D.BABU

RESPONDENTS:

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1. SHAHANAZ, D/O. ABDU RAHIMAN,

2. SHINOS, S/O. SHAHANAS,

3. SHINILA, D/O. SHAHANAZ,

4. SHAMITH, S/O. SHAHANAS, (MINOR)
AGED 15 YEARS, REP. BY HER MOTHER AND
GUARDIAN - 1ST RESPONDENT.

BY ADV. SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF POWER OF ATTORNEY DT.5.1.2005 EXECUTED IN FAVOUR OF THE PETITIONER BY P.MOIDEENKUTTY.

EXT.P2 : TRUE COPY OF ORDER OF THE FAMILY COURT JUDGE DT.11.7.05 ALONG WITH AFFIDAVIT AND PETITION IN OP.796/04.

EXT.P3 : TRUE COPY OF -DO- IN OP NO.821/04.

EXT.P4 : TRUE COPY OF PETITION, OP 796/2004 FILED BEFORE FAMIL COURT, KOZHIKODE.

EXT.P5 : TRUE COPY OF PETITION IN OP 821/04 FILED BEFORE -DO-

PIUS C. KURIAKOSE, J.

W.P.(C) No. 35921 OF 2005

Dated this the 1st day of June, 2007

JUDGMENT

Sri.M.S. Narayanan, counsel for the respondent submits that both the original petitions before the family court , OP Nos.796 and 821 of 2004 were disposed of by the Family Court on 30.07.05 i.e. even before this Court granted stay. The Writ Petition according to the learned counsel has thus become infructuous.

Mr.K.D. George does not agree. According to the information from his counter part in Family Court, the Original Petitions are even now pending. Mr. Narayanan has also placed before me copies of the separate orders passed by the Family Court in the Original Petitions on 30.07.05. Submissions of the learned counsel appears to be correct, since it is reported by the registry that no petitions are pending before the Family Court for setting aside its orders. The Writ Petition is dismissed as having become infructuous.

PIUS C. KURIAKOSE, JUDGE

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